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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 DANIEL LOPEZ,

12 Plaintiff,

13 v.

14 MICHAEL ST. CLAIR; PATRICIA ST.
15 CLAIR; ST. CLAIR ENTERPRISES,
16 INC., a California Corporation; and Does
1-10,

17 Defendants.

Civil No. 14-cv-2145-LAB (DHB)

SCHEDULING ORDER

18 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a telephonic Case
19 Management Conference was held before Magistrate Judge David H. Bartick on
20 February 17, 2015. After consulting with the attorneys of record for the parties and
21 being advised of the status of the case, and good cause appearing,

22 **IT IS HEREBY ORDERED:**

23 1. Counsel shall refer to the Standing Order in Civil Cases of the Honorable
24 Larry A. Burns, which is accessible via the Court's website at www.casd.uscourts.gov.

25 2. All parties shall fully comply with the Initial Disclosure requirements of
26 Fed. R. Civ. P. 26(a)(1) by **March 17, 2015**.

27 3. Any motion to join other parties, to amend the pleadings, or to file
28 additional pleadings shall be filed on or before **April 20, 2015**.

1 4. Plaintiff (or the party(ies) having the burden of proof on any claim) shall
2 serve on all parties a list of experts whom that party expects to call at trial on or before
3 **May 15, 2015**. Defendants (or the party(ies) defending any claim, counterclaim,
4 crossclaim, or third party claim) shall serve on all parties a list of experts whom that
5 party expects to call at trial on or before **May 29, 2015**. On or before **June 12, 2015**,
6 any party may supplement its designation in response to any other party's designation,
7 so long as that party has not previously retained an expert to testify on that subject.
8 Expert designations shall include the name, address, and telephone number of each
9 expert, and a reasonable summary of the testimony the expert is expected to provide.
10 The list shall also include the normal rates the expert charges for deposition and trial
11 testimony.

12 The parties must identify any person who may be used at trial to present
13 evidence pursuant to Rules 702, 703 or 705 of the Federal Rules of Evidence. This
14 requirement is not limited to retained experts.

15 **Please be advised that failure to comply with this section or any other**
16 **discovery order of the Court may result in the sanctions provided for in Fed. R.**
17 **Civ. P. 37, including a prohibition on the introduction of experts or other**
18 **designated matters in evidence.**

19 5. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be served
20 on all parties on or before **August 21, 2015**. Any contradictory or rebuttal
21 information shall be disclosed on or before **September 18, 2015**. In addition, Fed. R.
22 Civ. P. 26(e)(1) imposes a duty on the parties to supplement the expert disclosures
23 made pursuant to Fed. R. Civ. P. 26(a)(2)(B) by the time that pretrial disclosures are
24 due under Fed. R. Civ. P. 26(a)(3) (discussed below). This disclosure requirement
25 applies to all persons retained or specially employed to provide expert testimony, or
26 whose duties as an employee of the party regularly involve the giving of expert
27 testimony.

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1 **Please be advised that failure to comply with this section or any other**
2 **discovery order of the Court may result in the sanctions provided for in Fed. R.**
3 **Civ. P. 37, including a prohibition on the introduction of experts or other**
4 **designated matters in evidence.**

5 6. All discovery, other than expert discovery, shall be completed by all
6 parties on or before **September 25, 2015**. All expert discovery shall be completed by
7 all parties on or before **October 16, 2015**. “Completed” means that all discovery must
8 be initiated a sufficient period of time in advance of the cutoff date, so that it may be
9 completed by the cutoff date, taking into account the times for service, notice, and
10 response as set forth in the Federal Rules of Civil Procedure. The Court’s procedures
11 for resolving discovery disputes are set forth in Magistrate Judge Bartick’s Civil
12 Chambers Rules, which are posted on the Court’s website.

13 7. All motions, other than motions to amend or join parties, or motions in
14 limine, shall be filed on or before **November 16, 2015**. Motions will not be heard or
15 calendared unless counsel for the moving party has obtained a motion hearing date
16 from the law clerk of the judge who will hear the motion. Be advised that the period
17 of time between the date you request a motion date and the hearing date may be up to
18 sixty (60) days. Please plan accordingly. Failure of counsel to timely request a
19 motion date may result in the motion not being heard. Briefs or memoranda in
20 support of or in opposition to any pending motion shall not exceed twenty-five (25)
21 pages in length without leave of the judge who will hear the motion. No reply
22 memorandum shall exceed ten (10) pages without such leave of court.

23 8. A Mandatory Settlement Conference shall be conducted on **February 1,**
24 **2016** at **2:00 p.m.** in the chambers of Magistrate Judge Bartick. Counsel shall submit
25 settlement statements **directly** to Magistrate Judge Bartick’s chambers no later than
26 **January 25, 2016**.¹ The parties may either submit confidential settlement statements
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28 ¹ Statements under 20 pages in length, including attachments and exhibits, shall be e-
mailed to chambers at efile_Bartick@casd.uscourts.gov. Statements exceeding 20

1 or may exchange their settlement statements. Each party's settlement statement shall
2 set forth the party's statement of the case, identify controlling legal issues, concisely
3 set out issues of liability and damages, and shall set forth the party's settlement
4 position, including the last offer or demand made by that party, and a separate
5 statement of the offer or demand the party is prepared to make at the settlement
6 conference. **The settlement conference briefs shall not be filed with the Clerk of**
7 **the Court.**

8 **All named parties, all counsel, and any other person(s) whose authority is**
9 **required to negotiate and enter into settlement shall appear in person at the**
10 **conference.** The individual(s) present at the Mandatory Settlement Conference with
11 settlement authority must have the unfettered discretion and authority on behalf of the
12 party to: 1) fully explore all settlement options and to agree during the Mandatory
13 Settlement Conference to any settlement terms acceptable to the party (*G. Heileman*
14 *Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989)), 2) change
15 the settlement position of a party during the course of the Mandatory Settlement
16 Conference (*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)),
17 and 3) negotiate a settlement without being restricted by any predetermined level of
18 authority (*Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 596 (8th Cir. 2001)).

19 Governmental entities may appear through litigation counsel only. As to all
20 other parties, appearance by litigation counsel only is not acceptable. Retained
21 outside corporate counsel shall not appear on behalf of a corporation as the party who
22 has the authority to negotiate and enter into a settlement. **The failure of any counsel,**
23 **party or authorized person to appear at the Mandatory Settlement Conference as**
24 **required shall be cause for the immediate imposition of sanctions.** All conference
25 discussions will be informal, off the record, privileged, and confidential.
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28 pages in length, including attachments and exhibits, must be delivered directly to
chambers.

1 9. The parties must comply with the pretrial disclosure requirements of Fed.
2 R. Civ. P. 26(a)(3) no later than **February 15, 2016**. **Please be advised that failure**
3 **to comply with this section or any other discovery order of the Court may result**
4 **in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on the**
5 **introduction of experts or other designated matters in evidence.**

6 10. Despite the requirements of Local Rule 16.1.f.2, neither party is required
7 to file Memorandum of Contentions of Fact and Law at any time. The parties shall
8 instead focus their efforts on drafting and submitting a proposed pretrial order by the
9 time and date specified by Local Rule 16.1.f.6.b. The proposed pretrial order shall
10 comply with Local Rule 16.1.f.6 and the Standing Order in Civil Cases issued by the
11 Honorable Larry Alan Burns.

12 11. Counsel shall confer and take the action required by Local Rule 16.1.f.4.a
13 on or before **February 22, 2016**.

14 12. Counsel for the Plaintiff must provide opposing counsel with the
15 proposed pretrial order for review and approval and take any other action required by
16 Local Rule 16.1.f.6.a on or before **February 29, 2016**.

17 13. Written objections, if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial
18 disclosures shall be filed and served on or before **February 29, 2016**. **Please be**
19 **advised that the failure to file written objections to a party's pretrial disclosures**
20 **may result in the waiver of such objections, with the exception of those made**
21 **pursuant to Rules 402 (relevance) and 403 (prejudice, confusion or waste of time)**
22 **of the Federal Rules of Evidence.**

23 14. The Pretrial Order shall be lodged with the district judge's chambers on
24 or before **March 7, 2016** and shall be in the form prescribed in Local Rule 16.1.f.6.c.

25 15. The final Pretrial Conference is scheduled on the calendar of the
26 Honorable Larry Alan Burns on **March 14, 2016** at **11:45 a.m.** The trial date will be
27 assigned by Judge Burns at the Pretrial Conference.

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1 16. The dates and times set forth herein will not be modified except for good
2 cause shown.

3 17. Plaintiff's counsel shall serve a copy of this order on all parties that enter
4 this case hereafter.

5 **IT IS SO ORDERED.**

6 Dated: February 17, 2015

A handwritten signature in dark ink, appearing to read 'D. Bartick', is written over a horizontal line.

DAVID H. BARTICK
United States Magistrate Judge